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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

b

EZEKIEL OLUFUNMILADE OSINOGO  
a/k/a Ezekiel O. Osinowo,  
Plaintiff

CIVIL ACTION  
SECTION "P"  
NO. 1:13-CV-02981

VERSUS

DEPT. OF HOMELAND SECURITY,  
Defendant

JUDGE DEE D. DRELL  
MAGISTRATE JUDGE JAMES D. KIRK

REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE

Before the court is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. 2241 by petitioner Ezekiel Olufunmilade Osinogo a/k/a Ezekiel O. Osinowo ("Osinogo") on November 1, 2013 (Doc. 1). Osinogo, a native and citizen of Nigeria, contests his continued detention, beyond six months, by the Bureau of Immigration and Customs Enforcement ("ICE") pending his removal from the United States (Doc. 1). At the time of filing his petition, OSinogo was being detained in the LaSalle Detention Center in Trout, Louisiana pursuant to a final order of removal (Doc. 1, Ex.). The sole relief requested by Osinogo is release from custody pending his removal, pursuant to Zadvydas v. Davis, 533 U.S. 678, 121 S.Ct. 2491 (2001).

On July 17, 2014 the Respondent filed a motion to dismiss

Osinogo's petition (Doc. Item 21), showing through an affidavit by Brian Gueringer, Assistant Field Office Director at the ICE facility in Oakdale, Louisiana, that Osinogo was removed from the United States to Nigeria on April 21, 2014 (Doc. Item 21). Since Osinogo has been released and thus has achieved the sole relief requested in his habeas petition, Osinogo's habeas petition has been rendered moot and should be dismissed.

#### Conclusion

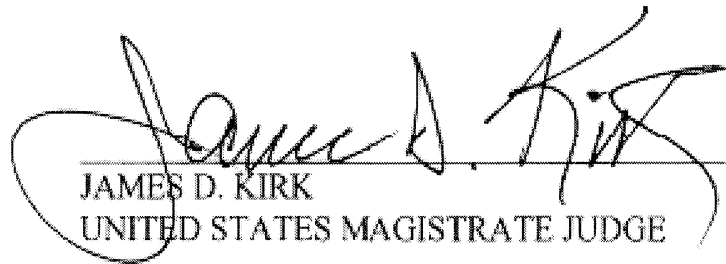
Based on the foregoing discussion, IT IS RECOMMENDED that the Respondents' motion to dismiss (Doc. 21) be GRANTED and that Osinogo's habeas petition be DISMISSED AS MOOT.

Under the provisions of 28 U.S.C. § 636(b)(1)(c) and Fed.R.Civ.P. 72(b), the parties have **fourteen (14) days** from service of this Report and Recommendation to file specific, written objections with the Clerk of Court. A party may respond to another party's objections within **fourteen (14) days** after being served with a copy thereof. No other briefs (such as supplemental objections, reply briefs etc.) may be filed. Providing a courtesy copy of the objection to the magistrate judge is neither required nor encouraged. Timely objections will be considered by the district judge before he makes a final ruling.

**A PARTY'S FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN FOURTEEN (14) CALENDAR DAYS FROM THE DATE OF ITS SERVICE**

SHALL BAR AN AGGRIEVED PARTY, EXCEPT ON GROUNDS OF PLAIN ERROR,  
FROM ATTACKING ON APPEAL THE UNOBJECTED-TO PROPOSED FACTUALLY  
FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT JUDGE.

THUS DONE AND SIGNED at Alexandria, Louisiana, on this 5th day  
of August 2014.



JAMES D. KIRK  
UNITED STATES MAGISTRATE JUDGE